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Via ECFS

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: WC Docket Nos. 16-143, 15-247, 05-25, RM-10593

Dear Ms. Dortch:

On April 10, 2017, Joan Marsh, Frank Simone, Keith Krom, and the undersigned, all of AT&T, met with Claude Aiken, Legal Advisor to Commissioner Mignon Clyburn, to discuss the draft Business Data Services Report and Order.¹ During the meeting we expressed our general support for the regulatory regime outlined in the *Draft Order*. We also discussed the transition period advocated by others in the docket, and stated that AT&T does not believe that any such transition period would be necessary,² and that, in any event, a three-year transition is completely unwarranted.³

Also on April 10, 2017, Joan Marsh, Frank Simone, Keith Krom, and the undersigned, all of AT&T, met with Nicholas Degani, Senior Counsel to Chairman Ajit Pai, and Jay Schwarz, Acting Wireline Advisor to Chairman Ajit Pai. During the meeting we expressed our support for the Chairman's efforts to rationalize the BDS regulatory regime to reflect the level of competition in the marketplace, as evinced by the extensive record in this proceeding. We discussed the need to consider competition from cable companies' entire HFC networks in the proposed Competitive Market Test, given the cable companies' ability to upgrade their existing HFC electronics to provide these services. Indeed, the record shows that many end users view best efforts offerings over cable DOCSIS 3.0 technology as a substitute for incumbent DS1 and DS3 services. We also expressed support for the determination that grandfathered Phase II counties will retain their competitive status because moving these counties back under the Price Cap would require undue time and resources. Finally, we

¹ *Business Data Services in an Internet Protocol Environment et al.*, Report and Order (Draft), WC Docket No. 16-143 et al. (rel. Mar. 30, 2017) ("*Draft Order*").

² Indeed, the CLECs now arguing for a transition period took the opposite view of implementation timing last year. For example, Sprint urged the Commission to transition to new BDS rules "beginning as soon as possible" because "each week of delay" impacted the marketplace. Letter from Paul Margie, Counsel to Sprint, to Marlene Dortch, Secretary, FCC, WC Docket 16-143, et al., 11 (filed Nov. 9, 2016). INCOMPAS also argued that BDS reform take place "as quickly as possible" given that BDS reform had been under agency consideration for more than a decade. Letter from Karen Reidy, INCOMPAS, to Marlene H. Dortch, Secretary, FCC, WC Docket 16-143, et al., 1 (filed Nov. 9, 2016).

³ See Letter from Karen Reidy, INCOMPAS, to Marlene H. Dortch, Secretary, FCC, WC Docket 16-143 et al. (filed Apr. 11, 2017); Letter from John Nakahata, Counsel to Windstream, to Marlene H. Dortch, Secretary, FCC, WC Docket 16-143 et al. (filed Apr. 11, 2017).

discussed the transition period proposed by the CLECs and again stated that AT&T does not believe that a transition period is necessary to implement the proposed reforms.

Pursuant to section 1.1206 of the Commission's rules, this *ex parte* notification is being filed electronically for inclusion in the record of the above-referenced proceeding. If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,
/s/ Caroline Van Wie

cc: Claude Aiken
Nicholas Degani
Jay Schwarz